

LAW AND JUSTICE COMMITTEE

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LAW AND JUSTICE COMMITTEE

The Law and Justice Committee had the responsibility for investigating the following County departments:

- District Attorney
- Probation
- Public Administrator/Coroner/Public Guardian/Conservator
- Public Defender
- Sheriff

The authority for the investigation of these departments is found in the California Penal Code and Government Code.

It is to be noted that the Coroner's report does not include a report on the Public Guardian and the Public Administrator.

Following are the reports and recommendations of the Law and Justice Committee.

DISTRICT ATTORNEY

BACKGROUND

The District Attorney is an elected officer and is responsible for the duties of 199 attorneys as well as a staff of administrators, investigators, secretaries and clerks.

The office is charged with the prosecution of offenses committed within the County. These offenses are acts designated as crimes by the legislative bodies of the State, the counties, cities and districts. Prosecution requires the services of the District Attorney's office in the Central Court in San Bernardino as well as in eleven (11) branch courts and three Juvenile courts, one of which is in the City of San Bernardino.

The office is organized into special units that address specific areas of criminal activity. Deputies, supervisors and staff are assigned to each special unit. Organized units in place are Major Crime, Career Criminal, Workers Compensation Fraud, Elder Abuse, Truancy, Domestic Violence, Auto Theft, Bad Check Restitution Program, Public Integrity, Life Parole, and Victim Services. Special units have been organized and relate generally to victims rights and services.

FINDINGS – COMMUNITY INVOLVEMENT

The District Attorney's office is generally reactive in its operation. It does not go out into the community seeking random criminals or crimes to prosecute. It reacts when cases are brought to its attention by law enforcement agencies.

Discussion is taking place in the District Attorney's office concerning a new concept that would make the office proactive. This requires attorneys and investigators to go into the community and work with the public on crime prevention. This community prosecution concept is intended to augment the already intense prosecution duties undertaken by the office.

The State Department of Justice publishes an annual report on criminal activity throughout the State. This report is produced and distributed by the department's Information Services and is released by the Attorney General. The report for the year 2003 was released in April 2004. Despite intense law enforcement and vigorous prosecution, criminal activity in San Bernardino County increased. The report for 2003 shows increases over 2002 of two percent (2%) in violent crimes and 8.7 percent increase in property crimes.

The creation of a proactive unit to go into the community with a program of crime prevention is necessary, particularly in the area of crimes against property.

FINDINGS – CENTRAL BRANCH LOCATION

The Central Branch is the largest of the 12 branches of the Superior Court. Ten of the Superior Court departments are used exclusively for criminal matters. The greatest number of District Attorney deputies is assigned to the Central Branch. It handles the heaviest caseload.

Divisions of the Central Branch are housed in five different locations within the city. These locations are:

Location	# Employees	Sq. Ft. Occupied	Yearly Cost
316 N. Mt. View	119	23,000	N/A (County facility)
606 E. Mill Street	7	1,700	\$23,951
412 Hospitality Lane	84	23,933	\$388,000
385 N. Arrowhead	8	1,733	N/A (County facility)
Pershing storage facility	0	1,240	\$7,200
Total	218	51,606	\$419,151

The Central Branch is located at 316 N. Mt. View Avenue. The next largest is 412 Hospitality Lane. The two offices are separated by four miles, parking lot to parking lot. Driving time between the offices averages 15 minutes one way during working hours. This has created problems in supervision, as well as disruption of prosecution proceedings.

Supervision by telephone, fax, interoffice mail, e-mail or courier is less effective than face-to-face contact. In order to meet face-to-face, deputies or staff must assemble at Mt. View Avenue or the supervisory staff must go to Hospitality Lane.

Bringing the two offices within walking distance of each other will create a more cohesive operation. It will also eliminate any feeling of isolation and would better serve the criminal justice system.

Delays in court proceedings are caused by extended recess time necessary for round trips between the criminal courts and Hospitality Lane. These delays affect the uninterrupted flow of evidence to the jury and jeopardize the prospect of conviction.

Moving the Hospitality Lane units to within walking distance of the criminal courts will eliminate the need for extensive recess time during criminal prosecution.

The District Attorney's Central branch must be consolidated and must be located closer to the criminal courts.

Of all the sites considered, only one was found to be large enough and close enough to the criminal courts.

The building at 303 West Third Street is within walking distance of the criminal courts. It is large enough to meet the space requirements of a consolidated central branch. It is, or will be, acquired by the County. A move into this building will save the County \$419,151 annually. This is rent now being paid for buildings not owned by the County.

RECOMMENDATIONS

- 04-48 CREATE A COMMUNITY PROSECUTION UNIT IN THE DISTRICT ATTORNEY'S OFFICE TO WORK IN THE COMMUNITY ON CRIME PREVENTION.

- 04-49 MOVE THE DISTRICT ATTORNEY ORGANIZATIONS CURRENTLY HOUSED AT 412 HOSPITALITY LANE IN SAN BERNARDINO CLOSER TO THE CRIMINAL COURTS.

- 04-50 CONSOLIDATE ALL OF THE DISTRICT ATTORNEY CENTRAL BRANCH ORGANIZATIONS INTO A LOCATION WITHIN WALKING DISTANCE OF THE CRIMINAL COURTS.

PROBATION DEPARTMENT

BACKGROUND

The purpose of the San Bernardino County Probation Department is to protect the citizens of the County through assessment, treatment and control of adult and juvenile offenders. It provides a wide range of effective services based on legal requirements and recognized professional standards.

FINDINGS

The department has approximately 50 adult casework probation officers who are involved in the supervision of 14,500 cases. Each officer supervises a caseload of about 300 probationers. Cases are divided into high risk, regular, and low-risk categories to determine the level of supervision required. The department also has 32 investigative probation officers who investigate cases for the court and write pre-sentencing investigative reports. Statistics show that the ratio of caseload to officer is higher than other counties in the State that have comparable populations.

Adults on probation are required to pay a fee for supervision. Fees range from \$15 to \$30 per month, based on the level of supervision that is required and the ability of the offender to pay. A separate Collections unit of County government that is not part of the Probation Department is responsible for collecting the fees. This County Collections unit receives 25 percent of the fees that are collected.

The Court may order a convicted defendant to pay restitution to the victim(s) of a crime. The County Collections unit which monitors compliance with payment of restitution often does not notify probation officers when a defendant defaults. Consequently, probation officers responsible for the supervision of the defendant do not consider these payments to be a high priority in the control and treatment of probationers.

Budgetary restrictions have forced the department to consolidate the supervision of high-risk adult felons and sex offenders with lesser risk felons. This increases the likelihood of repeat offenders and places the public at a greater risk of harm from them.

Responding to a demand for more bed space for juvenile residential detention treatment centers, the Probation Department negotiated an agreement with Vision Quest, a private service agency, to finance construction costs for a 144-bed facility for assessing and treating juvenile offenders.

Despite some controversy over the nature and size of the agreement, the Board of Supervisors approved a ten year contract with Vision Quest for 72 beds for in-County juvenile resident assessments and treatment services. To financially protect the County,

the Board agreement contains a clause that allows a “release from bed guarantee” if there is an insufficient number of juveniles to fill the 72-bed requirement. The Vision Quest facility is state licensed and charges \$5,000 per month. The State pays half the charges. The costs cover food, medical and schooling. Probation personnel are not required at the facility.

The costs in the Probation Department’s budget include \$1,719,986 for combining Food Services, \$1,574,402 for Medical Services and \$894,275 for Intake Services. The present accounting system does not list items related to the separate department programs.

RECOMMENDATIONS

- 04-51 HIRE AND TRAIN MORE PROBATION OFFICERS TO ATTAIN A BETTER CASELOAD RATIO.
- 04-52 ESTABLISH A SPECIAL COLLECTIONS UNIT WITH NEW POSITIONS IN THE PROBATION DEPARTMENT THAT WORKS CLOSELY WITH PROBATION OFFICERS AND MONITORS THE ABILITY OF DEFENDANTS TO MAKE RESTITUTION TO THEIR VICTIM(S) AND/OR PAY THEIR SUPERVISION FEES.
- 04-53 REINSTATE HIGH-RISK OFFENDER SUPERVISION AND CREATE A SPECIAL SEX OFFENDER UNIT USING THE LATEST TECHNOLOGY FOR SUPERVISING SUCH OFFENDERS.
- 04-54 REQUIRE THE PROBATION DEPARTMENT TO PROVIDE THE COUNTY WITH MONTHLY REPORTS ON THE VISION QUEST OPERATION.
- 04-55 APPLY COSTS BUDGETED FOR FOOD, MEDICAL AND INTAKE SERVICES TO EACH OF THE PROBATION PROGRAMS, SUCH AS CAMP HEART BAR, KUIPER YOUTH CENTER AND THE REGIONAL YOUTH EDUCATIONAL FACILITY TO SHOW A COMPARISON OF COST PER INDIVIDUAL IN DETENTION.

CAMP HEART BAR

BACKGROUND

The San Bernardino County Probation Department opened Camp Heart Bar in 1999 with the support and cooperation of the U.S. Department of Forestry and the San Bernardino County Superintendent of Schools. The site was a former State park and Forestry Department fire station.

The program provides a 90-day highly structured experience for at-risk boys ages 15 to 17. It focuses on developing traits and skills that build self-reliance and prepare the boys for a return to their communities.

FINDINGS

Camp Heart Bar is a paramilitary style boot camp for minors. The program began with three youths (cadets) and now has 20. They undergo individual three-month training cycles and, depending on their age, continue with six-months of follow-up care.

There is one certificated school teacher and one teacher's aide. Some cadets have special needs which are provided by a psychologist two days a week. During their three-month training cycle, cadets are required to complete 100 hours of schooling or 25 educational credits.

There is no television or radio, and parents or guardians are only permitted to visit cadets from 1:00 p.m. to 3:00 p.m. on Sundays.

Cadets earn rank privileges through military courtesies and inspections. They hold daily military drills and color guard flag presentation.

On Saturdays the cadets perform camp cleanup and occasionally public service at various city and county parks and campgrounds. They worked with the Salvation Army at the evacuation center at San Bernardino International Airport during last year's major fires.

Our investigation revealed the Camp Heart Bar experience to be highly successful in rehabilitating at-risk juveniles.

RECOMMENDATION

04-56 ENLARGE THE CAMP HEART BAR FACILITY AND INCREASE THE NUMBER OF CADETS IN ITS PROGRAM USING PRESENT CAPITAL IMPROVEMENT PLANS.

PUBLIC ADMINISTRATOR/CORONER/ PUBLIC GUARDIAN

BACKGROUND

The San Bernardino County Public Administrator/Coroner/Public Guardian/Conservator is an elected official.

The Coroner's department is responsible for establishing the cause and manner of death of County residents under its jurisdiction. It is also responsible for notifying the next of kin and identifying the deceased. The department investigates over 9,400 deaths per year, up from 7,900 since 1988. Approximately 2,000 of those deaths are investigated within the Desert Division area. Deaths in this area continue to increase three to five percent (3-5%) per year.

The Public Administrator/Public Guardian/Conservator takes possession of estate properties as required by the Probate Code and Welfare and Institutions Code, and/or by order of the Superior Court. These properties are stored in the department's warehouse at East Rialto Avenue in San Bernardino, until they can be transferred, sold or distributed with the approval of the Superior Court.

FINDINGS

Temporary dividers separate the floor of the warehouse. Letters and numbers placed on the walls of the warehouse form a grid for determining the location of estate properties. This process has worked over the years with few problems. Still, there is a possibility that such properties could be commingled due to human error or the floor shifting in an earthquake.

The County's current leased Desert Division facility in Victorville is approximately 1,800 square feet and is inadequate for providing services to constituents of this County. It serves a population of more than 250,000 County residents. The facility has limited storage space. The refrigeration unit has the capacity to store eight (8) bodies. The facility has no capacity to perform autopsies or head-to-toe examination of human remains. Families often have to travel more than 100 miles to assist investigators in resolving painful issues regarding circumstances of death. There are no areas in the current leased facility that are suitable to handle contaminated property and/or clothing.

The East Desert Region, located at Needles and the Colorado River Basin, covers 9,460 square miles. To service this vast area, the Coroner presently employs one (1) full-time deputy coroner investigator. For 28 years this was a fee-for-service contract position involving a local merchant in Needles who required minimal reimbursement for his Coroner services. In 2001 it became a County employee position, a Deputy Coroner Investigator in the East Desert Region, with all County benefits.

The deputy coroner in Needles investigated 1,152 deaths from March 1, 2003 through March 1, 2004. The specific breakdown of these death investigations that he responded to were seven accidental deaths, 24 traffic deaths, 16 natural deaths and two (2) suicides. The other 1,128 deaths involved paperwork and phone calls pertaining to natural deaths routed to the Needles office from all over the County.

The Needles deputy coroner has retired, leaving no local/immediate coverage for the East Desert Region. His retirement will require the reassignment of a deputy coroner from the Central and Desert offices to assume the duties of the region, with all the additional costs this assignment will create. More deaths due to a growing population and increased interstate traffic have increased the need for additional Coroner staffing in the East Desert Region. It is estimated that four (4) additional deputy coroners will be needed to adequately cover this area.

RECOMMENDATIONS

- 04-57 PURCHASE OR CONSTRUCT CONTAINERS FOR THE PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN/CONSERVATOR STORAGE WAREHOUSE TO ADEQUATELY AND SECURELY HOUSE ESTATE PROPERTIES.
- 04-58 CONSTRUCT A NEW DESERT DIVISION STAND-ALONE FORENSIC/ INVESTIGATIVE FACILITY OF AN ESTIMATED 10,740 SQUARE FEET ON COUNTY PROPERTY AT DALE EVANS PARKWAY IN THE TOWN OF APPLE VALLEY.
- 04-59 IMPLEMENT THE CORONER AND SHERIFF'S PLAN TO RETAIN NEEDLES' RESIDENT DEPUTY SHERIFFS AS DEPUTY CORONERS. HUMAN RESOURCES WOULD NEED TO ESTABLISH A NEW JOB CLASSIFICATION OF DEPUTY SHERIFF/CORONER.

LAW OFFICES OF THE PUBLIC DEFENDER

BACKGROUND

It is constitutionally mandated that all persons accused of a crime shall have the right to be represented by counsel. When persons charged with a crime claim they cannot afford to hire their own legal representative, it is expected that the Public Defender's office will provide that representation by Court order.

FINDINGS

When the Public Defender determines there is a conflict of interest with clients, the Courts will appoint a private attorney to represent them. This attorney is selected from a group of attorneys called the Conflicts Panel. The cost of this representation is paid by the County from the Indigent Defense Fund.

The Public Defender budget for 2003-2004 was approximately \$18 million. Ninety-five (95) of the Public Defender's office staff of approximately 275 are attorneys.

Case statistics in the Public Defender's office show the following filings for the fiscal year ending June 30, 2003:

- 13,570 felony cases
- 29,962 misdemeanors
- 4,094 minor filings

A case is defined by the Administrative Office of the Courts as a filing of a document with the court naming a person or defendant or respondent.

Members of the Grand Jury observed the arraignments calendar in the Central District Superior Court.

The Public Defender is usually assigned to defendants at arraignment. Defendants are required to fill out a form listing name, address, phone number and a Social Security number, which is optional. They are then required to pay a \$25 fee. This fee can be waived by the Judge.

When a case is closed, the procedure calls for a hearing to determine if defendants are truly indigent or if they can afford to employ a private attorney. This procedure is frequently waived by the Judge. If an assessment is charged, it is usually less than what

the actual costs are. They are frequently uncollected. The amount collected in 2002-2003 and returned to the General Fund along with the \$25 filing fee, totaled approximately \$650,000. The total budget of the combined Public Defender and Conflicts Panel was \$27.3 million.

The Public Defender does not investigate whether clients are indigent or not. The Courts, however, use a form titled "Information sheet on Waiver of Court Fees and Costs (Calif. Rules of Court, rule 985)", numbered 982(a)(17)(A). It is used only in Family Court. This form verifies the needs and financial information of an applicant, making it possible for the Court to make a much more informed decision.

According to the National Advisory Commission of the American Bar Association, the caseload of a full-time defense attorney or assigned counsel shall not exceed 150 felonies yearly, 400 misdemeanors annually, or 250 juvenile offender cases per year.

Based on the Grand Jury investigation, using the number of cases recommended by the National Advisory Commission of the American Bar Association doubles the workload of the San Bernardino County Law Offices of the Public Defender. Insisting on a more efficient investigation for eligibility for indigent legal assistance reduces the number of cases for the Public Defender and the Conflicts Panel.

The 2002-2003 Grand Jury found security at the Juvenile facility in the San Bernardino office to be substandard. It recommended improving the security between the public and employees' areas. The County agreed with the recommendation and ordered the improvements to be implemented. This was scheduled for October of 2003, but as of April 2004 it had not been implemented.

RECOMMENDATIONS

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| 04-60 | WITHHOLD FUNDING TO THE INDIGENT DEFENSE FUND UNTIL A MORE EFFECTIVE PROCEDURE FOR DETERMINING ELIGIBILITY IS IMPLEMENTED. |
| 04-61 | INCREASE THE NUMBER OF ATTORNEYS IN THE LAW OFFICE OF THE PUBLIC DEFENDER. |
| 04-62 | REESTABLISH A COMPLETION DATE FOR SECURITY IMPROVEMENTS AT THE PUBLIC DEFENDER'S JUVENILE FACILITY IN SAN BERNARDINO. |

SHERIFF

BACKGROUND

The Sheriff's Department provides law enforcement and protection for citizens within the unincorporated areas and contract cities of the County of San Bernardino. The task is made more difficult by having to cover over 20,000 square miles of County land.

Previous Grand Juries have reviewed the Sheriff's Department. Considering the continuous comment and concern by citizens within the County regarding the propriety of the department's favorable and unfavorable actions, this Grand Jury felt compelled to again review the Department.

FINDINGS

Prior Grand Juries have suggested the consolidation of the Coroner's Office with the Sheriff's Department. There are only five counties left in the State that still has separate Coroner's offices. The Sheriff contends that cross training deputy sheriffs as deputy coroners would partially eliminate lengthy Interstate 15 shutdowns involving traffic deaths, especially in outlying areas such as the Baker Grade.

The Sheriff estimates there would be approximately \$300,000 in savings by combining the two departments. Cross training Sheriff's deputies to be deputy coroners would also enable the deputies to perform Coroner's tasks and should eliminate the wait time for a deputy coroner to arrive at the accident scene.

Aviation Division

The Sheriff's Aviation Division is headquartered at Rialto Airport. During certain times of the year, the airport experiences high winds. This poses such a high risk and safety concern for aircraft, that flights are often grounded.

The condition of the flight line crew "ready room" is substandard. This structure is an old, temporary modular unit located north of the facility aircraft hangar. The unit needs major maintenance and/or repairs. The roof leaks and the heating and cooling system is in such poor operating condition that portable heating and cooling units are presently used.

Communications – Valley Dispatch Center

The Valley Dispatch Center, adjacent to Rialto Airport, houses communications equipment that represents state-of-the-art technology.

Due to the number of operating personnel present and the heat generated by the electronic equipment, the air conditioning is unable to maintain a comfortable level within the Center, especially during the summer months. Area fans are used to maintain adequate air circulation.

Personnel are concerned about their personal safety and the safety of the equipment if a major seismic event occurs. The structure was originally a food storage warehouse and has not been seismically retrofitted.

RECOMMENDATIONS

- 04-63 COMBINE THE CORONER WITH THE SHERIFF'S DEPARTMENT.
- 04-64 RELOCATE THE SHERIFF'S AVIATION DIVISION TO AN AREA THAT HAS FEWER HIGH WIND INCIDENTS PER YEAR AND INTO BUILDINGS THAT ARE SEISMICALLY SECURE AND WITH UPGRADED FACILITIES.
- 04-65 RELOCATE THE SHERIFF'S VALLEY DISPATCH CENTER INTO A MORE MODERN AND SEISMICALLY SECURE BUILDING THAT PROTECTS EQUIPMENT AND THE PERSONNEL.